

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM CURRY Jr.,

Plaintiff,

V.

KELLIE McINTYRE, *et al.*,

Defendants

No. 10-5917RBL/JRC

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation [Dkt. #5], and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's motion to proceed in forma pauperis is DENIED and this action is DISMISSED WITHOUT PREJUDICE. The case cannot proceed as a civil rights matter and must proceed in habeas corpus as the validity of detention is called into question.
- (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Richard Creatura.

DATED this 11th day of February, 2011.

Ronald B. Lightner

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE